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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/783,417	02/14/2001	Julian Orbanes	GPH-0031	4705
26161	7590	08/12/2004	EXAMINER	
FISH & RICHARDSON PC 225 FRANKLIN ST BOSTON, MA 02110			TRAN, MYLINH T	
			ART UNIT	PAPER NUMBER
			2179	

DATE MAILED: 08/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/783,417

Applicant(s)

ORBANES ET AL.

Examiner

Mylinh T Tran

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12, 14-20 and 23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 14-20 and 23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Applicant's Amendment filed 05/13/04 has been entered and carefully considered. Claims 1, 5, 12 and 23 have been amended. However, limitations of amended claims have not been found to be patentable over prior art of record and newly discovered prior art, therefore, claims 1-12, 14-20 and 23 are rejected under the new ground of rejection as set forth below.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 7-12, 14, 16-18, 20 and 23 are rejected under 35

U.S.C. 102(e) as being anticipated by Fortin et al. [US. 2002/0023110].

As to claims 1, 2, 12 and 23, Fortin et al. discloses employing a plurality of data objects contained within a first data source (page 1, 0006-0007); employing a hierarchical relationship between said plurality of data objects and employing a spatial paradigm (page 3, 0053); employing a display screen that displays a virtual representation of one of more of said data object (page 1, 0006 and page 5, 0071); and locating said plurality of data objects in virtual space relative to each other (page 3, 0002), based at least in part on said spatial paradigm and at least in part on said hierarchical relationship (page 3, 0053), using a zoom markup language to define said plurality of data objects (page 2, 0017, 0024) wherein said zoom markup language includes a first predefined tag that includes an attribute

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corresponding to a dimension in said virtual space (page 2, 0017; page 5, 0068-0069);

As to claims 3 and 14, Fortin et al. shows employing a second predefined tag to define one of said plurality of data objects (page 1, 0007).

As to claims 4, 16 and 20, Fortin et al. also shows the first or second predefined tag comprising plate, raster, vector, text or link (page 1, 0007-0008).

As to claim 5, Fortin et al. provides the dimension being a first dimension and defining said virtual space to include a second dimension, a third dimension, and a fourth dimension (each of layer represents one layer), said second dimension corresponding to a plurality of planes (page 1, 0007 "Each layer contains several graphical objects") within said virtual space at which one of said data objects can be located and said third and said fourth dimensions corresponding to a position of said one of said data objects within a plane, said planes being located along said second dimension according to said hierarchical relationship, wherein said first dimension corresponds to said second, third, or fourth dimension (page 2, 0017, "defining descriptive markup defining several tags, wherein each tag defines an element, wherein an element is interpreted to define a diagram containing a plurality of layers, wherein each layer contains several graphical objects....").

As to claims 7, 8 and 10, Fortin et al. provides defining within said predefined raster tag and vector tag a URL address containing an

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appearance of said one of said plurality of data objects (page 5, 0067, 0073).

As to claims 9 and 17, Fortin et al. also shows defining within said predefined text tag a font value and a justify value (page 4, 0064).

As to claim 11, Fortin et al. also shows using said zoom markup language further comprises employing a shortened version to define said first predefined tag wherein said shortened version is defined using as few as one character (page 5, 0067-0069).

As to claim 19, Fortin et al. demonstrates defining within said predefined polygon tag at least one of a points value corresponding to a number of points used to define a polygon, a coordinate value for each of said number of said points and predefined rectangle tag a set of coordinates to locate said one of said plurality of data objects. (page 4, 0064).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 15 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fortin et al. [US. 2002/0023110] in view of Strasnick et al. [US. 5,671,381].

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As to claim 6, Fortin et al. shows multiple dimensions that each dimension contains plural data objects. However, Fortin et al. does not show defining within the first predefined plate tag an x coordinate, a y coordinate, a z coordinate, a plate width, a plate height or a plate depth. Strasnick et al. shows defining within said predefined plate tag an x coordinate, a y coordinate, a z coordinate, a plate width, a plate height and a plate depth (column 16, lines 1-65). It would have been obvious to one of ordinary skill in the art, having the teachings of Fortin et al. and Strasnick et al. before them at the time the invention was made to modify the multiple data objects as taught by Fortin et al. to include the set of coordinates to locate of Strasnick et al., in order to locate multiple data objects into the different plates as taught by Fortin et al.

As to claims 15 and 19, Strasnick et al. provides defining within said predefined tag a name corresponding to said one of said plurality of data objects, a value of a second one of said plurality of data objects to which a user travels, and a set of coordinates to locate said one of said plurality of data objects (figure 1, column 16, lines 35-65).

Response to Arguments

Applicant's arguments with respect to claim 1 has been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE**

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FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231. If applicant desires fax a response, (703) 746-7238), may be used for formal After Final communications, (703) 746-7239 for Official communications, or (703) 746-4395 for Non-Official or draft communications. NOTE, A Request for Continuation (Rule 60 or 62) cannot be faxed.

Please label "PROPOSED" or "DRAFT" for information facsimile communications. For after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the document.

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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Fourth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mylinh Tran whose telephone number is (703) 308-1304. The examiner can normally be reached on Monday-Thursday from 8.00AM to 6.30PM

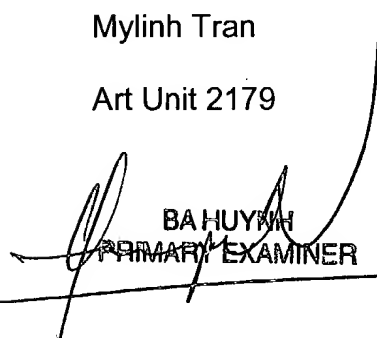
If attempt to reach the examiner by telephone are unsuccessful, the examiner 's supervisor, Heather Herndon, can be reached on (703) 308-5186,

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.

Mylinh Tran

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BA HUYNH
PRIMARY EXAMINER